

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13713 OF 2006

ORAL ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare, appearing for the respondents 1 to 4.

The petitioners seek a writ of mandamus declaring the alleged action of the respondents 2 to 4 in seeking to dispossess the petitioners from the land and rice mill constructed in an extent of Ac.2.20 guntas covered by Bila No.24, situated at Kothaguda village and mandal, Warangal district, while the revision petition filed by them is pending before the 1st respondent, as arbitrary and illegal.

It is not in dispute that the 2nd respondent-Special Deputy Collector, Tribal Welfare, by order dated 31.3.2006, passed order of ejection against the writ petitioners, in exercise of the powers conferred under Section 3(1) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959. Against the said order, the petitioners preferred an appeal, however, the same was dismissed by the 3rd respondent by order dated 24.6.2006. Immediately, the petitioners preferred a revision before the 1st respondent on 3.7.2006. It is stated that though the petitioners filed an application seeking interim stay of operation of the order of ejection, pending revision, the same has not been considered by the 1st respondent and, in the meanwhile, the respondents 2 to 4 are taking steps to dispossess the petitioners. Hence, this writ petition.

Since, admittedly, a statutory revision preferred against the order of ejection passed by the 2nd respondent, is pending, I am of the opinion that it would be appropriate to protect the possession of the petitioners till the revision is disposed of.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent to dispose of the revision, pending on its file,

against the order of the 3rd respondent dated 24.6.2006 following due process of law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the order of ejection dated 31.3.2006 passed by the 2nd respondent, as confirmed by the 3rd respondent by order dated 24.6.2006, shall not be given effect to. No costs.

(G. ROHINI, J.)

6th July, 2006.

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Operative portion by wire at party's cost.

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Mallela Narsamma and another.

.. Petitioners.

And

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Tribal Welfare department, Secretariat,
Hyderabad and four others.

.. Respondents.